



UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 08 2004

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

George J. Vlahos
8549 Heather Court
St John, IN 46373

Paper No. //

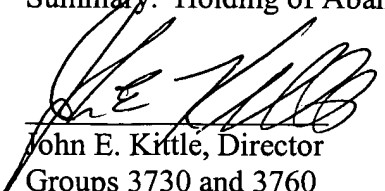
In re Application of	: DECISION ON PETITION
George J. Vlahos	: TO WITHDRAW
Serial No. : 10/064,010	: HOLDING OF
Filed : June 4, 2002	: ABANDONMENT
For : Light Therapy Apparatus	:

This is a decision on petitioner's renewed request filed June 21, 2004 to review the holding of abandonment mailed February 10, 2004, for failure to respond to the Office action mailed July 21, 2003. The basis for the request is that applicant did not receive the communication mailed July 21, 2003. There is no fee required for this petition.

In order to overcome the presumption of delivery of an Office action, a practitioner must submit the following: (1) a statement from the practitioner stating that the Office action was not received by practitioner; (2) a statement attesting to the fact that a search of the file jacket and docket record indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received and docketed. See 1156 OG 53.

In a decision mailed April 23, 2004, petitioner was informed that the first request filed March 29, 2004 did not include items (2) and (3). The renewed request filed June 21, 2004 satisfies items (2) and (3). The request is therefore GRANTED and the holding of abandonment withdrawn. Upon the mailing of this decision, the application will be forwarded to the Legal Instruments Examiner for the re-mailing of the Office action of July 21, 2003.

Summary: Holding of Abandonment Withdrawn.


John E. Kittle, Director
Groups 3730 and 3760
Phone: (703) 308-0873

ak/06/25/04